

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

APR 17 2013

IN THE UNITED STATES DISTRICT COURT      DAVID J. MALAND, CLERK  
FOR THE EASTERN DISTRICT OF TEXAS      BY  
TYLER DIVISION      DEPUTY \_\_\_\_\_

UNITED STATES OF AMERICA

v.

TODD FLEMING

§  
§  
§  
§  
§

**SEALED**

NO. 6:13CR34  
JUDGE Schneider/Guthrie

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT 1**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about April 20, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, A.D., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was

transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 2**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about February 5, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 3**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about February 3, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 4**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about February 2, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and

coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 5**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about February 4, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using

materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 6**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about September 10, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 7**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about May 30, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 8**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

On or about February 11, 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce,

entice, and coerce a minor, B.C., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 9**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around the summer of 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, B.W., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using

materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 10**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.



**COUNT 11**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2005 and 2006, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 12**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2005 and 2006, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and

coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 13**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2004 and 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using

materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 14**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2005 and 2006, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H. and B.W., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 15**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2004 and 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 16**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2003 and 2004, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and

coerce a minor, C.H., T.E., and K.E., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 17**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 1999, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, M.M., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using

materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 18**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H. and L.P., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 19**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2006 and 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 20**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2006 and 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 21**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2006 and 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and



coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 22**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2007, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, L.P., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using

materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 23**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2006, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, L.P., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 24**

Violation: 18 U.S.C. §§ 2251(a),  
2251(e), and 2 (Sexual  
Exploitation of Children)

In and around 2004 and 2005, within the Eastern District of Texas and elsewhere, the defendant, **Todd Fleming**, did knowingly employ, use, persuade, induce, entice, and coerce a minor, C.H., to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported using any means and facility of interstate and foreign commerce and knowing and having reason to know that such visual depiction would be transported in and affecting interstate and foreign commerce and using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and the visual depiction was transported using any means and facility of interstate and foreign commerce and the visual depiction was transported in and affecting interstate and foreign commerce.

All in violation of 18 U.S.C. §§ 2251(a), 2251(e), and 2.

**COUNT 25**

Violation: 18 U.S.C. §§  
2252(a)(4)(B) and 2252(b)(2)  
(Possession of Material Involving  
the Sexual Exploitation of Minors)

On or about September 6, 2012, in the Eastern District of Texas, the defendant,

**Todd Fleming**, did knowingly possess at least one matter which contains any visual

depiction, that had been shipped and transported using any means and facility of interstate and foreign commerce and had been shipped and transported in and affecting interstate and foreign commerce and was produced using materials which had been mailed and shipped and transported using any means and facility of interstate and foreign commerce, including by computer, the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct.

All in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

**Pursuant to 18 U.S.C. § 2253**

1. The allegations contained in Counts 1 through 25 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 2253.
2. Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. §§ 2251 or 2252, the defendant, **Todd Fleming**, shall forfeit to the United States of America:
  - a. Any visual depiction described in 18 U.S.C. §§ 2251, 2251A, or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110;
  - b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense; and
  - c. Any property, real or personal, used or intended to be used to commit or to promote the commission of the offense.

The property to be forfeited includes, but is not limited to, the following:

- a. An HP Pavilion CPU, model A636N (Serial Number #MXR4449314);
- b. A Toshiba laptop, model X205-SLI1 (Serial Number #Y7333367K);
- c. A Sony laptop, model PCG-81311L (Serial Number

#275460363008464);

- d. An Apple iMac (Serial Number #W89475ZZSPE);
- e. An Apple iPad 16GB, (Serial Number #GB040R8DZ38);
- f. A Hitachi external drive, model H2200U (Serial Number #WHG07ZNA);
- g. Two (2) Simpletech external drives 320GB;
- h. A WD external drive, model WD1200U017-001 (Serial Number #WXEY06A84656);
- i. An Iomega external drive, model 31921600 (Serial Number #GLAB019450);
- j. A WD external drive, model WD1200U017-004 (Serial Number #WXEX06399235);
- k. An Iomega external drive, model 31851000 (Serial Number #57AA45G606);
- l. A Samsung Galaxy S cell phone;
- m. A fencing foil;
- n. A sword and sheath with decorative wolf;
- o. A longsword/"bastard" sword and sheath;
- p. A Marksman Repeater BB gun/air gun with magazine;
- q. Swimsuit/"kini" tops (7) and bottoms (6); and
- r. A Black lockable box containing the following items: baby oil (2), a Batman mask, a black cape, Seasons tube fake blood, Nightmare gel blood, a Batman cape, Jungle Girl comic books (2), blood capsules (10), a shell "kini", a can of PAM original, Tricky knives (2), and a Batman emblem.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

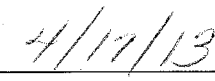
the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b) and by 28 U.S.C. § 2461(c).

4. By virtue of the commission of the offenses alleged in this information, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 2253.

All pursuant to 18 U.S.C. § 2253 and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 2253(b).

A TRUE BILL

  
\_\_\_\_\_  
GRAND JURY FOREPERSON

  
\_\_\_\_\_  
Date

JOHN M. BALES  
UNITED STATES ATTORNEY

  
NATHANIEL C. KUMMERFELD  
ASSISTANT UNITED STATES ATTORNEY



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

v.

TODD FLEMING

§  
§  
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§  
§

NO. 6:13CR<sup>34</sup>  
JUDGE \_\_\_\_\_

**NOTICE OF PENALTY**

**COUNTS 1-16 and 18-24**

**VIOLATION:** 18 U.S.C. §§ 2251(a), 2251(e), and 2 (Sexual Exploitation of Children)

**PENALTY:** Imprisonment of not less than fifteen (15) years nor more than thirty (30) years and a fine of \$250,000 to be followed by a term of supervised release of not less than five (5) years to life.

**SPECIAL ASSESSMENT:** \$100.00 each count

**COUNT 17**

**VIOLATION:** 18 U.S.C. §§ 2251(a), 2251(e), and 2 (Sexual Exploitation of Children)

**PENALTY:** Imprisonment of not less than ten (10) years nor more than twenty (20) years and a fine of \$250,000 to be followed by a term of supervised release of not less than five (5) years to life.

**SPECIAL ASSESSMENT:** \$100.00 each count

**COUNT 25**

**VIOLATION:** 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2) (Possession of Material Involving the Sexual Exploitation of Minors)

**PENALTY:** Imprisonment of not more than ten years and a fine of \$250,000 to be followed by a term of supervised release of not less than five (5) years to life.

**SPECIAL ASSESSMENT:** \$100.00 each count